

**Resolution No. 2015-19**

**A Resolution Approving a License for Encroachment into the City Right-Of-Way  
at 110 East 4<sup>th</sup> Street to Allow the Construction of Entry Stairs.**

**WHEREAS**, Joseph Selvaggi has applied to the City of New Castle for authorization to create an encroachment consisting of the addition of a landing and stairs at the front of the existing foundation at 110 East 4<sup>th</sup> Street, known as Parcel No. 2101510138; and

**WHEREAS**, it is the City's understanding that currently the foundation of the previous dwelling is located on the existing right-of-way line, and that there previously was an existing brick stoop and steps on the front of the house which encroached into the existing right-of-way by a depth of 5 +/- feet; and

**WHEREAS**, The Historic Area Commission has approved plans for the reconstruction of a single family dwelling on the existing foundation, including the proposed encroaching stoop and stairs on the Fourth Street right-of-way; and

**WHEREAS**, it is the City's understanding that the property owner has removed the existing stoop and steps and plans to replace them per the HAC approval he obtained with a new 4.5 foot wide set of brick steps and stoop, and that once constructed, said stoop and steps would encroach 5.5 +/- feet, which would result in a remaining sidewalk of a minimum of 8 +/- feet in depth between the new stoop and steps and the inside of the curb of East Fourth Street; and

**WHEREAS**, the applicant has agreed to indemnify the City from any claims arising from the presence of encroaching stoop and steps on the City's right-of-way.

**NOW, THEREFORE, BE IT RESOLVED**, that the application of Joseph Sellvagi for a license agreement to permit the encroachment of a new stoop and stairs 5.5 +/- feet into the City's right of way at property located at 110 East 4<sup>th</sup> Street, known as Parcel No. 21-015.10-138, is approved, and the Building Official is authorized to issue a building permit for such construction upon execution of a suitable license agreement in form and substance acceptable to the City Solicitor; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

**PASSED** this 12th day of May, 2015

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Linda Ratchford, City Council President

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John A. Di Mondì, Councilperson

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Teel Petty, Councilperson

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Theodore H. Megginson, Councilperson

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Albert J. Vannucci, Jr., Councilperson

Attest:

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Janet E. Wurtzel, City Clerk